

Claim 21 is directed to a method for conducting a vision examination by an examiner to screen a patient for vision disorders. In the previous Amendment, the claim was amended to recite a step of "controlling the display medium to individually and successively present optotypes for the patient to view from the predetermined distance," and that the display medium is capable of "individually and successively" displaying optotypes of different sizes, wherein the sizes of the optotypes are calibrated for display at the predetermined distance. The Applicant remarked that the Sheridan reference does not disclose positioning a display medium and controlling the medium to individually and successively present optotypes of different shapes and sizes. Instead, Sheridan discloses using a standard eye chart, a customized eye chart that includes multiple letters, or single letter cards.

The present Office Action appears to acknowledge that Sheridan fails to disclose a display medium that is controlled to individually and successively display optotypes of different sizes as recited in claim 21. The claim is presently rejected as being unpatentable over Sheridan in view of Andera. According to the Office action, Andera teaches "sequentially presenting a series of optotypes having patterns that vary in their spatial frequencies to provide a measure of both contrast sensitivity and spatial frequency response for each patient tested."

Applicant respectfully submits that the combined disclosure of Sheridan and Andera fails to teach positioning a display medium that is capable of individually and successively displaying optotypes of different sizes and shapes and controlling the display medium to individually and successively present optotypes, as recited in claim 21. As the Office Action acknowledges, Sheridan is not directed to a system for individually and successively displaying optotypes of different sizes. Andera is directed to an apparatus that rotates a light polarizing filter so as to gradually bring an optotype into view from being transparent/translucent. Andera further discloses:

While the analyzer is slowly rotated from its aforementioned initial position, the patient will indicate the point at which the pattern of the optotype can first be detected to indicate the patient's contrast sensitivity. An evaluation of spatial frequency response is accomplished by the sequential presentation of several optotypes to cover a range of spatial frequencies. The sequential presentation of a number of optotypes determines the patient's ability to detect or distinguish between the light and dark areas of the patterns, as presented, and thereby provides a measure of the patient's spatial frequency response.

(Andera, 2: 36-48.) While Andera discloses sequentially displaying different optotypes, the reference does not disclose successively displaying optotypes of different sizes, wherein the sizes of the optotypes are calibrated for display at the predetermined distance, as recited in the claim. To the contrary, Andera teaches only displaying optotypes of different "spatial frequencies." Accordingly, Andera provides no disclosure concerning optotype size, or calibrating optotype sizes for display at a predetermined distance.

Secondly, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine Andera with Sheridan. The Office Action states that "the teaching of Andera et al applies to similar optotypes as those disclosed in Sheridan for a similar type of eye examination." To the contrary, Sheridan discloses the use of a Snellen eye chart, a customized eye chart that includes multiple letters, or single letter cards, while Andera discloses the use of optotypes of different spatial frequencies such as that shown in Figures 1-6 in the reference. As can be seen, these optotypes are different configurations of a plurality of striped lines. Furthermore, Andera is not directed to a similar type of eye examination as disclosed in Sheridan. Contrast sensitivity and spatial frequency perception are nowhere mentioned in Sheridan.

One of ordinary skill in the art would not have been motivated to consider Andera to accomplish the claimed method. While claim 21 recites displaying optotypes of different sizes that are calibrated for display at a predetermined distance, Andera concerns a method of testing for contrast sensitivity or spatial frequency perception, which would not use optotypes of different sizes calibrated for display at a predetermined distance.

Furthermore, while claim 21 recites a step for requesting that a patient find a matching optotype on a reference, Andera's testing for contrast sensitivity or spatial frequency perception would not include a step for requesting that the patient find a matching optotype on a reference. Instead, as described in Andera, "the patient will indicate the point at which the pattern of the optotype can first be detected." (Andera, 2: 36-39.)

As discussed above with regard to claim 21, independent claims 25, 29, and 33 similarly recite a component or step for individually and successively displaying optotypes of different sizes calibrated for display at a predetermined distance.

For these reasons, Applicant respectfully submits that independent claims 21, 29, and 33 are patentable over the combination of Sheridan and Andera, and respectfully requests that this rejection be withdrawn. With regard to claim 25, Waltuck also fails to disclose the claimed method for successively and individually displaying optotypes. Therefore, Applicant submits that the combination of Sheridan, Andera and Waltuck fails to disclose the step of successively and individually displaying optotypes of different sizes as recited in claim 25.

Lastly, Applicant submits that dependent claims 22-24, 26-28, 30-32, and 34-38 are patentable at least for being dependent from a patentable independent claim.

In view of the foregoing, the claims pending in the application patentably define over the prior art, and a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes that a telephone conference or in-person interview would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (202) 434-1607.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 615388001US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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